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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/029,408	10/01/1998	ANDREAS GERHARD BAAR	00366.000181	6021
5514	7590	10/21/2003	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			NOLAN, SANDRA M	
			ART UNIT	PAPER NUMBER
			1772	34
DATE MAILED: 10/21/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/029,408

Applicant(s)

BAAR ET AL.

Examiner

Sandra M. Nolan

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2003 and 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 60-64, 71 and 72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 60, 61, 63, 64, 71 and 72 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 62 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claims

1. Pursuant to entry of the amendment in the response of 03 June 2003 (Paper No. 27), claims 60-64 and 71-72 are pending. The following action is based upon the claims as they are recited in Paper No. 27.

This application is in condition for allowance except for the following formal matters:

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: PROCESS FOR MAKING MOLDINGS HAVING BIODEGRADABLE BARRIER LAYERS.

Claim Objections

3. Claim 62 is objected to because of the following informalities: the term "kaolin" is misspelled. Appropriate correction is required.

4. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

5. A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Information Disclosure Statement

6. The information disclosure statement (IDS) submitted on 03 June 2003 (Paper No. 29) was considered. See section 2 of the office action mailed on 21 August 2003 (Paper No. 32).

Amendment Not Fully Responsive

7. Paper No. 27 was held not fully responsive to the office action mailed on 03 Dec3ember 2002 (Paper No. 26). See section 3 of Paper No. 32.

Rejections Withdrawn

8. The 35 USC 112 rejection of claims 60-64 and 71, in section 5 of Paper No. 26, for new matter is withdrawn in view of applicants' arguments on pages 2-3 of the 17 September 2003 response (Paper No. 33).

9. The 35 USC 103 rejection of claims 60-64 and 71 as unpatentable over Haas et al (US 5,576,049) in view of Tiefenbacher et al (US 5,376,320), as discussed in section 8 of Paper No. 26, is withdrawn in view or applicants' arguments on pages 6-10 of Paper no. 27.

REASONS FOR ALLOWANCE

10. The following is an examiner's statement of reasons for allowance:

11. Claim 60 covers a process for making *a substantially completely biodegradable molding* for packaging comprising:

- a. mixing *biodegradable fibers or fiber bundles with lengths of 0.24 to 4.32 mm.* with water and starch,
- b. putting the mixture into a mold,
- c. baking the mixture under time and temperature conditions sufficient to make cohesive mass having the desired shape, and
- d. *applying a biodegradable, hydrophobic, softener-free liquid impenetrable boundary layer* to the mass. [Key features are italicized.]

12. The prior art of record fails to teach or suggest processes having all of the key features recited in claim 60.

13. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication should be directed to the Examiner, Sandra M. Nolan, whose telephone number is 703/308-9545. The Examiner can normally be reached on Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

If attempts to reach the Examiner by telephone are unsuccessful, her supervisor, Harold Pyon, can be reached at 703/308-4251. The general fax number for the art unit is 703/872-9306. The receptionist answers 703/308-0661.



S. M. Nolan
Patent Examiner
Technology Center 1700

SMN/smn
09029408(34)
18 October 2003